

House Study Bill 23

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to child in need of assistance proceedings and
2 appeals in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1384DP 82
5 jm/je/5

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1 1 Section 1. Section 232.2, subsection 6, paragraph f, Code
1 2 2007, is amended to read as follows:
1 3 f. Who is in need of treatment to cure or alleviate
1 4 serious mental illness or disorder, or emotional damage as
1 5 evidenced by severe anxiety, depression, withdrawal, or
1 6 untoward aggressive behavior toward self or others and whose
1 7 parent, guardian, or custodian is unwilling or unable to
1 8 provide such treatment.
1 9 Sec. 2. Section 232.133, subsection 2, Code 2007, is
1 10 amended to read as follows:
1 11 2. Except for appeals from orders entered in child in need
1 12 of assistance proceedings or orders entered pursuant to
1 13 section 232.117, appellate procedures shall be governed by the
1 14 same provisions applicable to appeals from the district court.
1 15 The supreme court may prescribe rules to expedite the
1 16 resolution of appeals from ~~final~~ orders entered in child in
1 17 need of assistance proceedings or orders entered pursuant to
1 18 section 232.117.

EXPLANATION

1 19 This bill relates child in need of assistance proceedings
1 20 and appeals in juvenile court.
1 21 The bill modifies the definition of a "child in need of
1 22 assistance" in the juvenile code to include a child who has a
1 23 serious mental illness, disorder, or emotional damage and
1 24 whose parents are unable to provide treatment. Under current
1 25 law, the court may find the child meets the definition of a
1 26 "child in need of assistance" if the court finds the child has
1 27 a serious mental illness, disorder, or emotional damage, and
1 28 whose parents are unwilling to provide treatment. Generally,
1 29 if the court determines a child is a "child in need of
1 30 assistance" then the child is eligible to receive services
1 31 through the juvenile court system.
1 32 The bill also provides that the supreme court may prescribe
1 33 rules to expedite the resolution of appeals from any orders,
1 34 not just final orders, entered in child in need of assistance
2 1 proceedings in juvenile court.
2 2 LSB 1384DP 82
2 3 jm:rj/je/5